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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,581	06/27/2001	Masayuki Sakura	35.C15488	3309

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NEW YORK, NY 10112

EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/891,581	Applicant(s) SAKURA, MASAYUKI	
	Examiner King Y. Poon	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-45, 47, 59 and 76-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-45, 47, 59 and 76-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/5/2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 42-44, 47, 59, 76-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibusawa (US 6,088,120) in view of Zuber (US 6,035,103).

Regarding claims 42, 59, 77, 78, 80: Shibusawa teaches a printing system (fig. 1) to which plural print apparatus (2a, 2b, fig. 1) and information processing apparatus (1, fig. 1) are connected, the information processing apparatus comprising: an environment selecting unit (the software that used to set virtual printer A and virtual printer B, column 6, lines 63-67) adapted to select at least two or more print apparatuses from among the

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plural print apparatuses data (e.g., selecting printer A and printer B as virtual printer or selecting printer B, printer C and printer D as virtual printer, fig. 6); a receiving unit of receiving capability description information of a first print apparatus and capability description information of second printing apparatus, both selected in the selecting steps (e.g. the program code that used to received capability of physical printer a and physical printer b to create virtual printer, column 5, lines 20-27, S2, fig. 9) and generating unit (the software code that used to sum the functions of physical printer a and b, column 5, lines 24-26) adapted to generate synthesized capability description information obtained by synthesizing the capability description information of the first print apparatus and the capability description information of the second print apparatus (column 5, lines 20-67, column 6, lines 1-5); wherein, in a case wherein the value of the capability described in the capability description information is a second format (e.g., A4, B4, column 5, lines 15-25), said generating unit determines the value (column 5, line 17-19) of the capability described in the synthesized capability description information by executing Boolean operation (the operation on physical printer capability value a, b to create physical printer value, column 5, lines 20-27) of the value of the capability of the first print apparatus and the value of the capability of the second print apparatus; and a judging unit adapted (the program of the server that determines the format is A4, B4 etc, column 5, lines 20-25 or a format of top tray, bottom tray, column 5, lines 65-67) to judge whether a value of the capability described in the capability description information received by the receiving unit is a first format or a second format, wherein, as a result of the judgment by the judging unit, in a case wherein the

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value of the capability described in the capability description information is a second format (e.g., column 5, lines 60-67, column 6, lines 1-5), said generating unit determines the value (column 5, line 60-64) of the capability described in the synthesized capability description information by executing Boolean operation (the operation on physical printer capability value a, b to create physical printer value, column 5, lines 20-27) of the value of the capability of the first print apparatus and the value of the capability of the second print apparatus corresponds to only the second format; and wherein the value of the capability described in the capability description information is a first format (e.g., column 5, lines 20-40), said generating unit determines the value of the capability described in the synthesized capability description information by executing addition operation (column 4, lines 20-45) of the value of the capability of the first print apparatus and the value of the capability of the second print apparatus corresponds only to the first format .

Shibusawa although teaches adding values, Shibusawa does not teaches if the output number is 10 for printer A, and the output number is 20 for printer B; then the maximum output number is 30 (arithmetic).

Zuber teaches virtual engine simply appears as a high speed entity and the speed is equal to the sum of the individual engines rated print speed (column 11, lines 30-35) by apply a arithmetic operation.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Shibusawa's virtual printer to include setting the speed of the virtual printer as the speed equals to the sum of the individual

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printer rated print speed by performing an arithmetic operation such that a user or system of Shibusawa would easily determines how fast the virtual printer is or whether the user's print job would be able to print on time.

Note: It is well-known in the art that a server (column 3, lines 65-67) is controlled by a program (official notice) stored in a computer readable medium; a program is much cheaper to create and replaced compared to a hardware. It allows the controller to be mass produce to reduce the price of the controller and create a program to fit the purpose of the use of the controller.

Note: Since Shibusawa teaches adding paper tray to paper tray and paper size to paper size; it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the server of Shibusawa to add paper tray to paper tray and speed to speed and paper size to paper size.

Regarding claims 43: Shibusawa teaches the information processing apparatus, further comprising an attribute setting unit adapted to set a print attribute of the print data (column 8, lines 10-25), wherein the setting of the print attribute by said attribute setting unit can be performed based on the complex printer capability description information obtained by said obtaining unit (column 5, lines 20-27, column 6, lines 50-67).

Regarding claim 44: Shibusawa teaches the information processing apparatus further comprising an indicating unit (job control portion, fig. 2) adapted to indicate print of the print data, wherein the print data print-indicated by said indicating unit is subjected to dispersion print (the print data of all print job is being subjected to

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dispersion print by using job output section, 14a, 14b etc, fig. 2) by the print apparatuses selected by said selecting unit (column 4, lines 25-32).

Regarding claim 47: Shibusawa teaches the information processing apparatus further comprising an input operation unit adapted to be able to perform an input operation for updating the content of the printer capability description information of each of the plural print apparatuses (column 4, 50-67, column 5, lines 1-7).

Regarding claims 76, 79: Shibusawa teaches wherein the capability described in the capability information is at least any one of the number of output bins, paper type, and duplex (column 5).

Regarding claim 81: Shibusawa teaches a transmitting unit adapted to transmit the synthesized capability description information generated by the generating unit to another information processing apparatus (270, fig. 6, column 6, lines 50-60).

Regarding claim 82: Shibusawa teaches wherein the information processing apparatus, the first print apparatus and the second print apparatus are connected through a network (fig. 6, column 1).

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibusawa (US 6,088,120) in view of Zuber (US 6,035,103) and well-known prior art.

5. Claims 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibusawa (US 6,088,120) in view of Zuber (US 6,035,103) and well-known prior art as applied to claims 44 above, and in further view of Lobiondo (US 5,287,194).

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Regarding claims 45: Shibusawa does not teach a receiving unit adapted to receive notification of information representing how the print data has been subjected to the dispersion print.

Lobiondo, in the same area of using multiple printers for printing print data (column 4, lines 50-65), teaches a receiving unit adapted to receive notification of information representing how the print data has been subjected to the dispersion print (column 5, lines 10-15).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Shibusawa to include: a receiving unit adapted to receive notification of information representing how the print data has been subjected to the dispersion print.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Shibusawa by the teaching of Lobiondo because: it would have allowed users knowing where their print jobs are being printed, and it would have allowed users to know where to look for their print jobs to save time.

Response to Arguments

6. Applicant's arguments filed 12/5/2006 have been fully considered but they are not persuasive.

With respect to applicant's argument that Shibusawa and Zuber do not teach judging unit adapted to judge whether a value of the capability described in the

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capability description information received by the receiving unit is a first format or a second format, wherein, as a result of the judgment by the judging unit, in a case wherein the value of the capability described in the capability description information is a second format, said generating unit determines the value of the capability described in the synthesized capability description information by executing Boolean operation of the value of the capability of the first print apparatus and the value of the capability of the second print apparatus; and wherein the value of the capability described in the capability description information is a first format, said generating unit determines the value of the capability described in the synthesized capability description information by executing arithmetic operation of the value of the capability of the first print apparatus and the value of the capability of the second print apparatus.

In reply: Shibusawa teaches judging unit adapted (the program of the server that determines the format is A4, B4 etc, column 5, lines 20-25 or a format of top tray, bottom tray, column 5, lines 65-67) to judge whether a value of the capability described in the capability description information received by the receiving unit is a first format or a second format, wherein, as a result of the judgment by the judging unit, in a case wherein the value of the capability described in the capability description information is a second format (e.g., column 5, lines 60-67, column 6, lines 1-5), said generating unit determines the value (column 5, line 60-64) of the capability described in the synthesized capability description information by executing Boolean operation (the operation on physical printer capability value a, b to create physical printer value, column 5, lines 20-27) of the value of the capability of the first print apparatus and the

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value of the capability of the second print apparatus corresponds to only the second format; and wherein the value of the capability described in the capability description information is a first format (e.g., column 5, lines 20-40), said generating unit determines the value of the capability described in the synthesized capability description information by executing addition operation (column 4, lines 20-45) of the value of the capability of the first print apparatus and the value of the capability of the second print apparatus corresponds only to the first format .

Shibusawa although teaches adding values, Shibusawa does not teaches if the output number is 10 for printer A, and the output number is 20 for printer B; then the maximum output number is 30 (arithmetic).

Zuber teaches virtual engine simply appears as a high speed entity and the speed is equal to the sum of the individual engines rated print speed (column 11, lines 30-35) by apply a arithmetic operation.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Shibusawa's virtual printer to include setting the speed of the virtual printer as the speed equals to the sum of the individual printer rated print speed by performing an arithmetic operation such that a user or system of Shibusawa would easily determines how fast the virtual printer is or whether the user's print job would be able to print on time.

Note: It is well-known in the art that a server (column 3, lines 65-67) is controlled by a program (official notice) stored in a computer readable medium; a program is much cheaper to create and replaced compared to a hardware. It allows the controller to be

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mass produce to reduce the price of the controller and create a program to fit the purpose of the use of the controller.

Note: Since Shibusawa teaches adding paper tray to paper tray and paper size to paper size; it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the server of Shibusawa to add paper tray to paper tray and speed to speed and paper size to paper size.

Conclusion

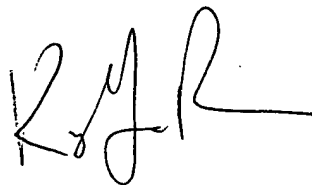
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 18, 2007

A handwritten signature in black ink, appearing to read 'K. Y. Poon', with a long horizontal stroke extending to the right.

KING Y. POON
PRIMARY EXAMINER